THE HON'BLE SRI JUSTICE GODA RAGHURAM

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W.P.NO.2720 OF 2006

Between:

Smt.G.Manjula Devi wife of G.S.Ranga Nayakulu

…Petitioner

vs.

Deputy Registrar of Coop Societies/Divisional Coop Officer Golconda Division, Hyderabad and five others.

…Respondents.

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ORAL ORDER

The petitioner is alleged to be a guarantor to an overdraft facility availed by the 6th respondent for Rs.25 lakhs from the 5th respondent-Cooperative Bank which is under

liquidation and is represented by the Official Liquidator. On failure of the 6th respondent in clearing the overdraft, the Bank has proceeded against the petitioner, the 6th respondent and others for recovery of the amounts by way of an arbitral dispute ARC No.554/J1/2000. By the award dated 06-06-2000 joint and several liability of the petitioner and the 6th respondent was found and an award passed. The petitioner's complaint is that despite numerous representations, a copy of the award has not been supplied to him.

Earlier execution proceedings were initiated in E.P.No.400 of 2004. The petitioner's immovable property was attached pursuant to the award dated 06-06-2000 and the attached properties notified for auction. Aggrieved thereby the petitioner filed W.P.No.11837 of 2005 and this Court suspended the notices proposing auction of the properties by an interim order dated 07-06-2005 for a limited period that has since expired. Petitioner states that the properties are again notified for sale by a notice dated 10-01-2006 fixing the date of public auction on 21-02-2006. The petitioner continues to complain that copy of the award in ARC No.554/J1/2000 has not been furnished despite repeated representations.

To day in the Court the learned Government Pleader for Co-operative Societies has handed over a copy of the award in ARC No.554/J1/2000, dated 10-10-2006 to the learned counsel for the petitioner. The petitioner is now at liberty to pursue her appropriate remedies against the award including by way of appeal to the Co-operative Tribunal under Sec.76 of the A.P.Co-operative Societies Act,1964. As the award copy has just been furnished to the petitioner, it is not just or equitable that the respondents should proceed with the auction of the attached properties of the petitioner pursuant to the proceedings dated 10-10-2006 notifying the auction. The auction is scheduled on 21-02-2006.

In the aforesaid circumstances the writ petition is disposed of quashing the notices dated 10-01-2006 issued in Form Nos.8 and 9 notifying the attached properties of the petitioner for public auction scheduled on 21-02-2006. The respondents will forbear from issuing any further notices for the auction of the petitioner's properties for a period of three (3) weeks from today. In the meanwhile the petitioner is at liberty to pursue her appropriate remedies against the award dated 06-06-2000 in ARC.No554/J1/2000. After the period of three (3) weeks, the respondents are at liberty to pursue execution of the above award subject to any interdictory orders if passed by an appropriate and competent forum. No order as to costs.

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GODA RAGHURAM,J

14TH FEBRUARY 2006

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